IN THE HIGH COURT OF UTTARACNAL
AT NAINITAL
Writ Petition No. 309 of 2004 (S/B)

Sri Dinesh Kumar Sharma
S/o Sri Ram Niwas Sharma
R/o 177 A Ashutosh Nagar
Nehru Marg, Rishikesh
District Dehradun ..... Petitioner

Vs

1. State of Uttaranchal through its
   Secretary, Medical & Health
   Dehradun
2. Director, Ayurvedic and Unani
   Uttaranchal Dehradun
3. Regional Ayurvedic and Unain Adhikari
   Uttaranchal, Dehradun
4. State of Uttar Pradesh through its Secretary,
   Medical Education
   Sachivalaya, Lucknow ..... Respondents

Sri I.P. Gairola, learned counsel for the petitioner
Mrs. Beena Pandey, learned Standing Counsel (U.P.) for the respondent No. 4
Mr. K.P. Upadhyay, learned Standing Counsel for the State for the respondents No. 1 to 3.

Hon'ble B.C. Kandpal, J.
Hon'ble B.S. Verma., J.

By means of present writ petition, the petitioners has sought a relief for issuing a direction in the nature of mandamus commanding the respondents to allow the petitioner to draw salary and other consequential benefits as admissible to him w.e.f. 11.12.1996 along with 12% interest. Further issuing a direction in the nature of mandamus commanding the respondents to allow the petitioner to perform his duties.

2. The Division Bench of this court on 8th December, 2005 observed that the *Secretary, Medical Education Department, Government of U.P., Lucknow has not taken care of the order passed by the Hon'ble High Court of Judicature of*

Allahabad, Lucknow Bench and is not paying the salary to the petitioner and they have not forwarded the relevant papers/documents to the State of Uttaranchal.

3. The petitioner was working as a Medical Officer as Ayurvedic Doctor in the State of U.P. and he was put under suspension vide order dated 11.09.1996. The petitioner filed a writ petition before the Allahabad High Court and the Allahabad High Court in the aforesaid writ petition passed the order, the contents of which read as under:-

> *"As the question involves is too trivial, hence we dispose of this writ petition by issuing a direction to the respondents to pass final orders positively within a period of six weeks from the date of presentation of copy of this order. But in case final orders could not be passed within the period indicated above, the suspension order shall stand revoked, but we provide that inquiry will be continued till it is concluded and final orders may be passed later on."*

4. This Court vide order dated 19.12.2005 directed that *in case if the order of reinstatement has been sent to the petitioner and information to this effect has been sent to the State of Uttaranchal and all the relevant documents including the personal file of the petitioner is sent to the State of Uttaranchal then the Principal Secretary, Medical Education, State of U.P. need not be present before the Court.*

5. Smt. Beena Pandey, learned Standing Counsel (U.P.) has filed an affidavit before this Court stating therein that the petitioners has been reinstated and all the relevant documents pertaining to the petitioner including the personal file have been sent to the State of Uttaranchal on 06.01.2006.

As the inquiry is still pending against the petitioner and the same is to be conducted by the State of Uttaranchal, therefore, we do not find it necessary to issue any direction for the payment of the arrears before the conclusion of the inquiry. The learned counsel for the petitioner has submitted before the Court that the petitioner has submitted several representations for concluding the inquiry pending against him expeditiously, but the respondents are not paying any heed to it.

7. However, the petitioner is directed to more a fresh representation along with the certified copy of this judgment passed by this Court before the respondent No. 1 and respondent No. 1 is directed to dispose of the representation of the petitioner by speaking order within a period of six weeks from the date of production of certified copy of this order.

8. In view of the above, the writ petition is disposed of finally.

(B.C. Verma, J.) **(B.C. Kandpal, J.)**

22.06.2006
ASWAL